

EXHIBIT S

APR-28-2006 Case 1:06-md-01596-JBW-RLM

Document 5-20

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U.S. DISTRICT COURT, E.D.N.Y.
★ MAY 15 2006 ★
BROOKLYN OFFICE

April 28, 2006

VIA FAX: (718) 613-2527
The Honorable Jack B. Weinstein
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: In re Zyprexa Product Liability Litigation (MDL 1596)

Dear Judge Weinstein:

I write in my capacity as court-appointed Special Discovery Master in the Zyprexa multidistrict litigation. On April 6, 2006, you issued an order directing that summary judgment and Daubert motions were to be made returnable on August 15, 2006, and that all cases filed in the Eastern District of New York and currently pending would be set down for trial on October 2, 2006.

In order to put into place the necessary case management orders to ensure that those deadlines would be met, over the last several weeks I have met and conferred by telephone with counsel for the parties, and reviewed letters and other materials which they have submitted to me. Over the course of that process, counsel on both sides have concluded that some additional time before the motion and trial dates would benefit all parties in fully preparing the cases for motions and trial. I have come to share that view.

In light of the foregoing, I respectfully recommend that the Court adopt the new date of November 17, 2006, for the hearing of summary judgment and Daubert motions, and a new date of January 22, 2007 for the trial of pending Eastern District cases.

If these dates are acceptable to the Court, I am prepared to immediately issue a comprehensive Case Management Order that will set forth various discovery and trial preparation milestones to ensure that these dates are met.

Respectfully,

Peter H. Woodin
Special Discovery Master

cc: Kenneth T. Fibich (for the Plaintiff Steering Committee) (via email)
George A. Lehner (counsel for Eli Lilly) (via email)